

REMARKS

Applicant amended Claims 1 and 3 by incorporating Claims 2 and 4 into each respectively and by adding a surfactant selected from the group of anionic and nonionic surfactants. Support can be found in the original claims and in paragraph [0030] of the US Publication 2004/0092623. Claims 2 and 4 are cancelled. New Claims 7-12 are added. Support can be found in paragraphs [0028] and [0030] of the US Publication 2004/0092623. No new matter has been added.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 3, and 5-6 stand rejected under 35 U.S.C. § 102(e) for anticipation by Miyabayashi et al. (U.S. 2002/0107303). Claims 1 and 3 are amended to incorporate Claims 2 and 4 into each respectively, rendering this rejection moot.

Claims 1-4 and 6 stand rejected under 35 U.S.C. § 102(e) for anticipation by Chen et al. (U.S. 6,773,102). US Patent 6,773,102 was filed September 27, 2002. Applicant submits with this response an Affidavit under 37 C.F.R. § 1.131 showing reduction to practice of the invention prior to September 27, 2002, thereby rendering this rejection moot.

Claims 1-6 stand rejected under 35 U.S.C. § 102(e) for anticipation by Brown et al. (U.S. 2004/0122131). Brown et al. has an earliest filing date of December 19, 2002. The present application has an earliest filing date of November 12, 2002. Brown et al. is not prior art to the present application and therefore this rejection is improper.

Claims 1-4 and 6 stand rejected under 35 U.S.C. § 102(b) for anticipation by Patel et al. (U.S. 5,977,210) taken in view of the evidence given in Sasaki et al. (U.S. 4,248,636) and Satake et al. (U.S. 5,814,685). Applicant respectfully disagrees. Patel et al. teaches the aggregation of pigments and polymers requiring the use of cationic surfactants to accomplish agglomeration. (Column 3, line 26-36 and 46-47, and also Figure 1). Claims 1 and 3 have been amended to cover the use of anionic or nonionic surfactants only. Moreover, Patel et al. fails to teach what water-soluble surface agents are needed to adhere to hydrophobic surfaces and what Tg levels to select for the aqueous emulsion polymer.

Claim Rejections – 35 U.S.C. § 103

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. (U.S. 6,773,102) or Patel et al. (U.S. 5,977,210) either of which in view of Miyabayashi et al. (U.S. 2002/0107303). US Patent 6,773,102 was filed September 27, 2002. Applicant submits with this response an Affidavit under 37 C.F.R. § 1.131 showing reduction to practice of the invention prior to September 27, 2002, thereby rendering this rejection moot with respect to Chen et al. For the reasons provided above, the disclosure of Patel et al. differs from Applicant's invention by more than just the requirements of a specific type of substrate. Patel et al., as a whole, teaches a method of agglomerating pigments and polymers requiring the use of cationic surfactants to accomplish agglomeration, not formulating an inkjet ink for printing on a hydrophobic substrate. One skilled in the art would not know what formulating ingredients are important for printing on a hydrophobic substrate given the teachings of Patel et al. Moreover, Patel et al. requires the use of cationic surfactants and Applicant excludes cationic surfactants.

Applicant maintains that such claims are patentable in view of the amendments and arguments presented above. Applicant's attorney thanks the Examiner for the time taken to review this response. In view of the foregoing remarks, Applicant respectfully requests reconsideration of the rejection and allowance of the claims. The Examiner is encouraged to contact the attorney listed below if there are any questions or comments.

Respectfully submitted,



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